

Remarks

Claims 1-4 and 9 are pending. Claim 1 has been amended herein. The amendment is shown relative to the form of the claim after entry of the Amendment After Final filed June 26, 2009.

Interview Summary

At an interview with Supervisory Examiner Andrew Fischer on July 31, 2009 to discuss the Advisory Action of 07/07/2009. The undersigned contended that the Objections in the Final Action could have been raised earlier and the refusal to enter the Amendment After Final filed 6/26/2009 was therefore not proper. Supervisory Examiner Fisher reviewed the proposed claims amendments and agreed to enter the amendment but raised new objections to the format of the claim. Examiner Fisher agreed that the 6/26/2009 Amendment After Final would be entered and the undersigned agreed to submit a new amendment to address the issues raised in the interview. Examiner Fisher agreed that this amendment would be entered and acted on.

Claim Amendments

Claim 1 has been amended to formulate the steps in traditional "present continuous" tense with "ing" at the end of the verbs. The Supervisory Examiner also suggested that the claim should either end with the "determining agreement" step or should state the conditional action taken as a result of a non-agreement determination. The later choice has been made. Not authorizing the transaction upon a negative authentication result is, of course, always implicit in every authentication scheme so no new issue is raised by this addition. This is explicitly confirmed at page 2, lines 16-17: "Only the authentication of this unforgeable link can authorize the transaction."

In reformulating the claim in this fashion it was also noticed that the preamble refers to transactions generally but does not strictly provide antecedent basis for the specific transaction that is the subject of the claim. This has been cured by specifying that the authenticating step is performed at the time of a transaction. Again this is not seen to raise any

new issue since a transaction has always been in the claim.

The steps performed remain the same as presented in the Amendment after Final. The basis for the distinction from the prior art is the fact that the particular characteristics of the identifier, as claimed, allow the operator to make visual comparison and determination of agreement (or of non-agreement).

It is again submitted that a "visual comparison" is by definition not performed by a machine since machines do not have a sense of sight. It is this operator comparison basis that the applicant continues to assert provides the non-obviousness of the claimed method.

Conclusion

The Amendments presented herein address objections raised in Final Action and the interview with supervisory Examiner Fisher. The claims now have a completely conventional format for method claims. Entry is requested together with notification if the Examiner will maintain the rejection. Upon entry the application is believed to be in condition for allowance. Early and favourable action thereon is requested

Respectfully submitted,
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Date: August 6, 2009

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